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SUHARD MEHTA

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Attorneys for Plaintiff
JOSEPH MARKETTE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF THE UNITED STATES

JOSEPH MARKETTE,

Plaintiff,

v.

WAL-MART STORES, INC., SUHARD
MEHTA; and DOES 2-25, inclusive

Defendants.

Case No. C 05-02173 MJJ

ORDER DENYING

STIPULATION AND [PROPOSED]
~~ORDER FOR CONTINUANCE OF~~
TRIAL

Current Trial Date: ~~January 16~~, 2007
June 25

TO THE COURT AND ALL PARTIES:

Plaintiff JOSEPH MARKETTE and Defendants WAL-MART STORES, INC. and
SUHARD MEHTA, by and through their respective attorneys of record, herein agree and
stipulate to a continuance of the trial date from June 25, 2007, to September 10, 2007, as well
as the pre-trial conference and the related deadlines for disclosure of expert witnesses and

1 completion of expert discovery. Good cause exists for the continuance because defense counsel
2 and his wife are expecting the birth of twins during this time as described below.

3 1. The trial date of this matter, involving claims of Title III discrimination and
4 California state civil rights violations by defendants against plaintiff, was continued once
5 before on or about December 5, 2007.

6 2. When the June 25, 2007 trial date was selected, it was envisioned by defense
7 counsel that the date would be satisfactory as his wife's due date was not until July 12, 2007.
8 However, since that time, it was learned that defense counsel and his wife are expecting twins.
9 As such, the OB-Gyn states that the pregnancy will not be allowed to go past June 28, 2007, at
10 the latest and that there is very strong likelihood that the birth will occur sooner.

11 3. Based on the above, defense counsel is unavailable to appear for trial of this
12 matter on June 25, 2007.

13 4. This request for trial continuance would have been made earlier. However, the
14 parties appeared before Magistrate Judge James Larsen for a settlement conference on or about
15 March 7, 2007, and despite further inquiries since that time, have been unable to resolve this
16 matter.

17 5. A continuance of the pre-trial conference and trial dates and related expert
18 deadlines would allow defense counsel to participate in the trial and be available for the birth of
19 his twin sons.

20 Therefore, IT IS HEREBY STIPULATED by and between the parties through their
21 attorneys of record that the trial date be continued to September 10, 2007. The pre-trial
22 conference date would accordingly be rescheduled from June 18, 2007 to September 4, 2007.

23 IT IS FURTHER STIPULATED by and between the parties that (1) all non-expert
24 discovery in this matter is closed and (2) all deadlines relating to FRCP 26 disclosures of
25 experts and expert reports will also be extended with the new trial date such that initial expert
26 disclosures would occur on July 13, 2007, expert reports would be due on or before July 20,
27 2007, supplemental experts would be disclosed by August 3, 2007 and expert discovery would
28 need to be completed by August 17, 2007.

1 Dated: April 19, 2007

PHILLIPS, SPALLAS & ANGSTADT LLP

2
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4 By:


Gregory C. Spallas

Kristi A. Nguyen

Attorneys for Defendants


WAL-MART STORES, INC. and

SUHARD MEHTA

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6
7 Dated: April 19, 2007

LAW OFFICES OF PAUL L. REIN

8
9
10 By:


Paul L. Rein

Patricia Barbosa

Julie McLean

Attorneys for Plaintiff

JOSEPH MARKETTE

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15 ~~ORDER~~

READ, CONSIDERED AND DENIED

16 Pursuant to Stipulation, and for good cause shown, IT IS HEREBY ORDERED

17 that the trial be continued to , 2007, with a pre-trial conference of , 2007 and
18 deadlines relating to FRCP 26 disclosures of experts and expert reports will also be extended
19 with the new trial date such that initial expert disclosures would occur on , 2007,
20 expert reports would be due on or before , 2007, supplemental experts would be
21 disclosed by , 2007 and expert discovery would need to be completed by
22 , 2007.

23
24 Dated: 4/25/2007



Honorable Martin J. Jenkins

U.S. District Court Judge